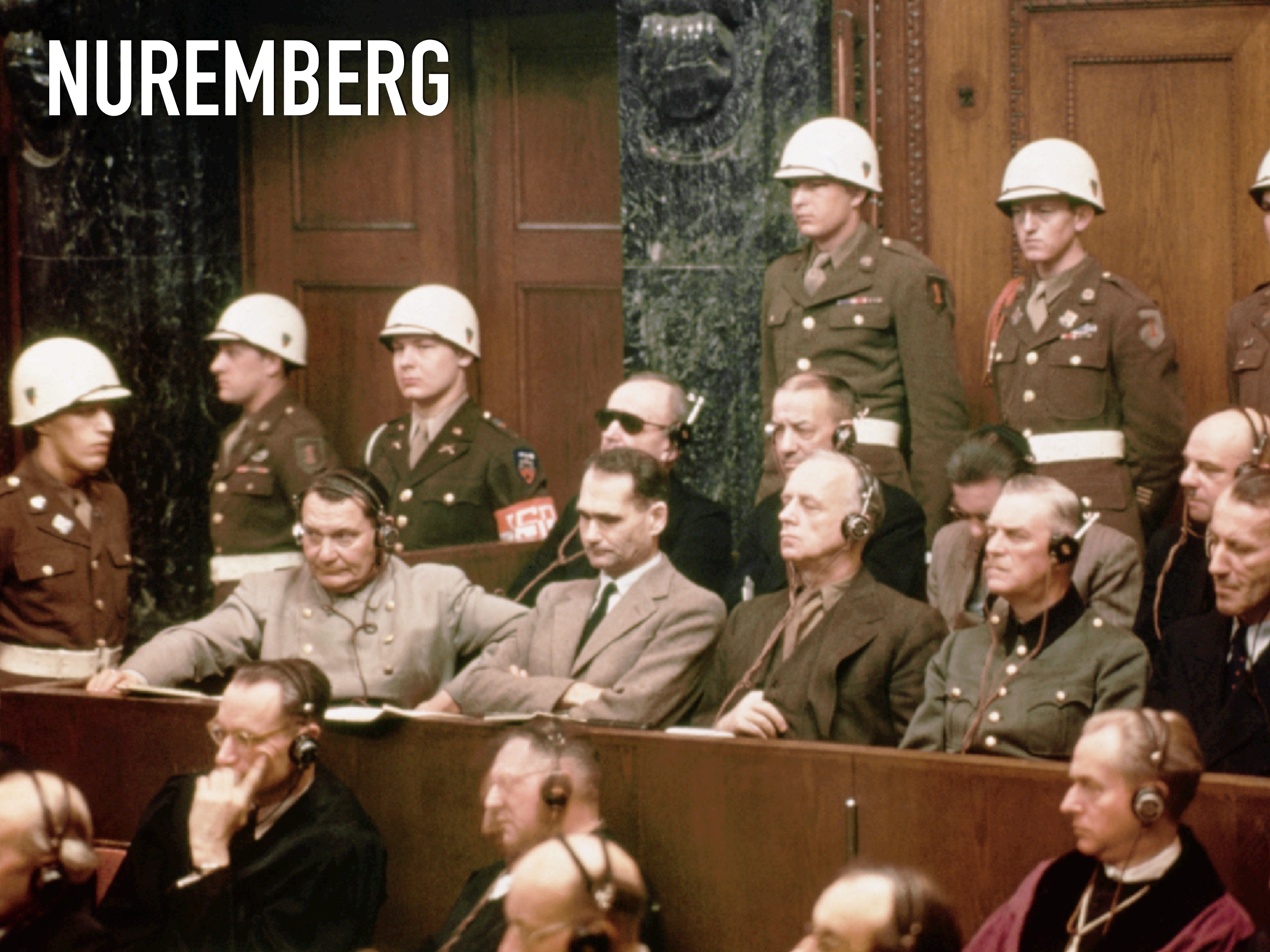


# Justice in Conflict?





# NUREMBERG







RWANDA



# THE FORMER YUGOSLAVIA





# GAME-CHANGER: ICC

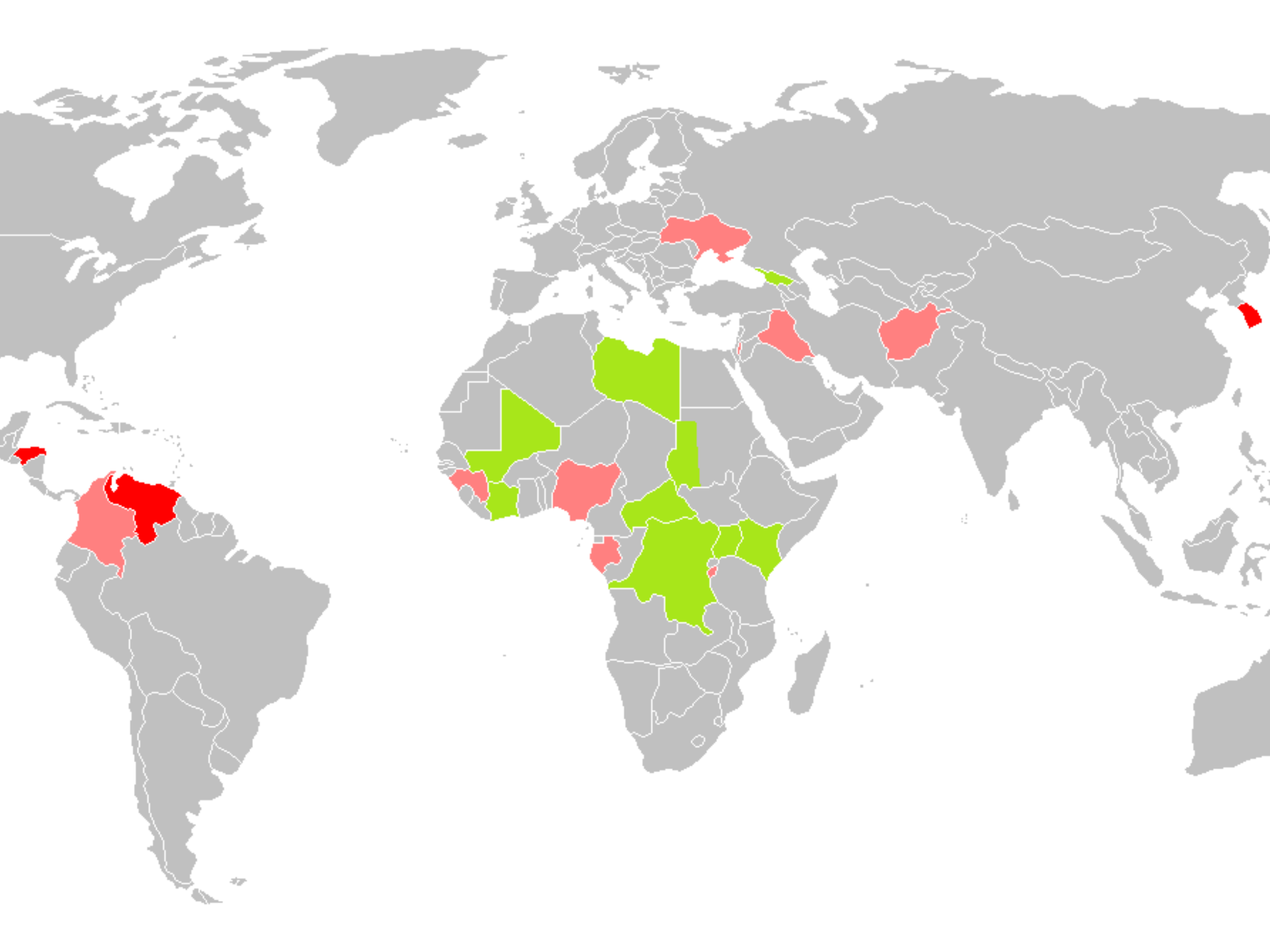


# THE ICC

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- ▶ Established 2002
  - ▶ Three core crimes
  - ▶ Jurisdiction: temporal, territorial, & personal
  - ▶ 123 member-states
  - ▶ Three triggers
  - ▶ Investigations: Uganda, DRC, CAR, Kenya, Darfur, Libya, Georgia, Mali, Ivory Coast, Burundi
    - ▶ Almost all in African states
- ▶ Intervenes during active conflicts
  - ▶ A 'first responder' to violence





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**IS JUSTICE FOR MASS ATROCITIES  
AND HUMAN RIGHTS VIOLATIONS A  
NECESSARY INGREDIENT FOR PEACE?**



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**CAN THE PURSUIT OF JUSTICE  
COMPLICATE THE PURSUIT OF  
PEACE?**



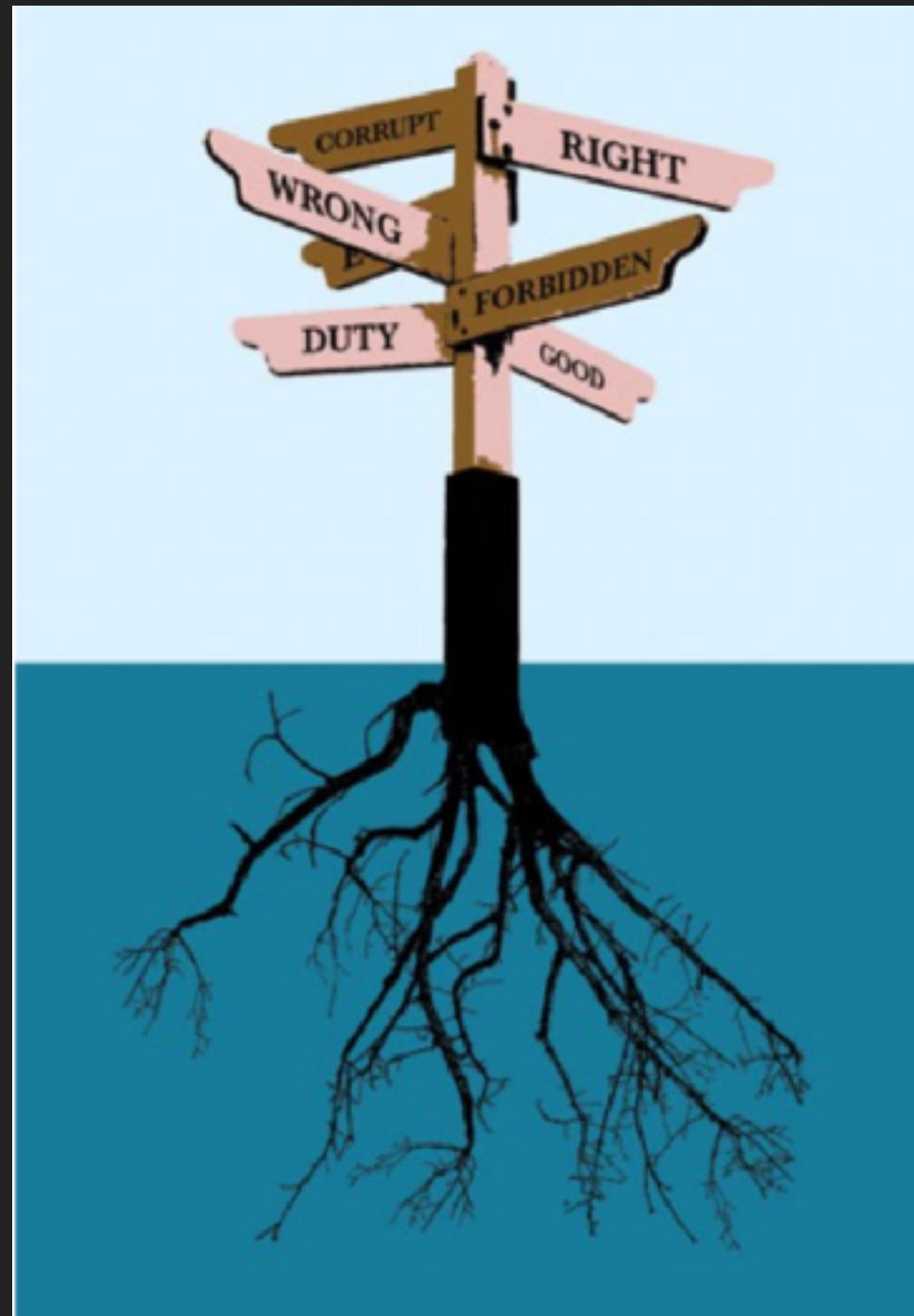
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**WAS YOUR VISION OF JUSTICE  
CONSISTENT?**



# NO PEACE WITHOUT JUSTICE VS NO JUSTICE WITHOUT PEACE

- ▶ End impunity
- ▶ Moral obligation
- ▶ Deterrence
- ▶ Marginalization
- ▶ Truth
- ▶ Legacies



- ▶ Increases violence
- ▶ Effects negotiations
- ▶ Divorced from local realities
- ▶ Cost
- ▶ "Seen to be done"

- - - NO CONSENSUS & FLAWED ARGUMENTS - - -



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**SPEAKING TO THE COMPATIBILITY OF  
PEACE AND JUSTICE... “THERE IS NO  
REAL ANSWER TO THIS.”**

**ICC President Silvia Fernández de Gurmendi**



## PEACE AND JUSTICE: A DIVISION OF LABOUR

THERE IS A DIFFERENCE BETWEEN THE CONCEPTS OF THE INTERESTS OF JUSTICE AND THE INTERESTS OF PEACE... THE LATTER FALLS WITHIN THE MANDATE OF INSTITUTIONS OTHER THAN THE OFFICE OF THE PROSECUTOR... THE BROADER MATTER OF INTERNATIONAL PEACE AND SECURITY IS NOT THE RESPONSIBILITY OF THE PROSECUTOR; IT FALLS WITHIN THE MANDATE OF OTHER INSTITUTIONS.

ICC Office of the Prosecutor, Policy Paper (2007)



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## THE ROAD TO PEACE RUNS THROUGH JUSTICE

THE DEBATE ABOUT PEACE VERSUS JUSTICE OR PEACE OVER JUSTICE IS A PATENTLY FALSE CHOICE. PEACE AND JUSTICE ARE TWO SIDES OF THE SAME COIN. THE ROAD TO PEACE SHOULD BE SEEN AS RUNNING VIA JUSTICE, AND THUS PEACE AND JUSTICE CAN BE PURSUED SIMULTANEOUSLY... IF ANYTHING, THE 'SHADOW OF THE COURT' HAS HELPED TO ISOLATE INDIVIDUALS WANTED BY THE I.C.C., OR TO KICK-START NEGOTIATIONS.

ICC Prosecutor Fatou Bensouda (2013)